

REMARKS

Receipt of the Office Action of June 9, 2010, is gratefully acknowledged.

Claims 5 - 10 have been examined in this RCE application. They have been rejected under 35 USC 103(a) over PROFIBUS in view of Diedrich et al and Pöschmann et al.

This rejection is respectfully traversed.

The examiner points to a deficiency in PROFIBUS on page 3 of the office action, and looks to Diedrich et al and Pöschmann et al to cure the deficiency. But Diedrich et al and Pöschmann et al both refer to PROFIBUS, such that the deficiency in PROFIBUS is adopted by Diedrich et al and Pöschmann et al. In other words neither Diedrich nor Pöschmann et al go beyond PROFIBUS but instead are an extension of PROFIBUS, and as such inherit the deficiencies of PROFIBUS. They do not add to the teaching of PROFIBUS. They merely highlight it. That is insufficient for rendering claims 5 - 10 unpatentable.

In an effort to place claims 5 - 10 in condition for allowance, claim 5 has been amended to parallel claim 5 as has recently been allowed in the corresponding European prosecution.

In view of the foregoing, reconsideration and reexamination are respectfully requested and claims 5 - 10 now allowed.

Date: September 9, 2010

Respectfully submitted,
BACON & THOMAS, PLLC



Felix J. D'Ambrosio
Attorney for Applicant
Registration Number 25,721

Customer Number *23364*
BACON & THOMAS, PLLC
625 Slaters Lane, Fourth Floor
Alexandria, Virginia 22314
Telephone: (703) 683-0500
Facsimile: (703) 683-1080

S:\Producer\jfd\CLIENTS\Endress+Hauser Holding GmbH\WITT3005-CD0176\Sept 9, 2010 Response.wpd